

AFFIDAVIT OF  
A. BRYAN

STATE OF NEW JERSEY    )  
  )  
COUNTY OF ESSEX        )

A. BRYAN, being first duly sworn on oath, deposes and declares as follows:

1. I am above the age of 18 and am competent to make this affidavit.
2. I have been a New York City Department of Education (DOE) employee for approximately 15 years, since being hired in 2007.
3. As a tenured DOE teacher with effective ratings throughout my teaching career, I worked in various capacities with my dual teaching licenses in General and Special Education in New York City K-12 schools and I have never been required to submit any vaccine as a teacher.
4. For the school years 2019 to 2020 and 2020 to 2021, as per Mayor Bill de Blasio, I effectively taught my General and Special Education students remotely. Throughout these school years, my administrators recognized me as a trailblazer and Teacher Lead in providing students' academic and behavioral success with remote virtual learning.
5. On 8/9/21 via the offer letter attached as **Exhibit A**, I was assigned by the DOE to serve as a "Remote" Special Education teacher for District 97M501. The assignment did NOT require me to perform "in-person" face to face teaching to

any special education students and I was NOT assigned to work in any DOE building.

6. See **Exhibit B**-Letter from my Assistant Principal-dated 10/18/21, confirming that I am a REMOTE teacher providing special education through virtual teaching technology and that I am not located in a DOE building or school setting.
7. On 8/24/21, Dave A. Chokshi, Commissioner of the NY Health and Mental Hygiene and the DOE entered an Order mandating that all DOE staff, City employees, and contractors who "work in-person in a DOE school setting or DOE building" and all employees of any school located in a DOE building working in person shall provide proof of vaccination by 9/27/21 (See **Exhibit C**, the "Order").
8. Despite my "REMOTE" work status, sometime around 9/9/21, I received an email from the DOE's Self-Service Online Leave Application System ("SOLAS"), informing me that I had to provide proof of vaccination by 9/27/21 or seek an exemption.
9. Because I was aware that the NY Health and Mental Hygiene Order did NOT apply to me, I contacted an administrator at DOE asking if I still needed to comply with the ORDER since I was a REMOTE teacher with no "in-person"

teaching in a DOE building. I was told that I still needed to comply with the requirement to either show proof of vaccination or seek an exemption from SOLAS.

10. On September 12, 2021, I submitted my religious exemption application on the SOLAS online portal with a letter from my pastor in support of my religious exemption request. I also selected the option that asked "do you work in a DOE building" and I selected "No".

11. On 9/17/21, my request for a religious exemption and accommodation was denied via email from SOLAS stating as follows:

"Due to the configuration for the 2021-2022 school year, which includes no remote class work, we cannot offer another worksite as an accommodation, as that would impose an undue hardship on the DOE and its operations". (See Exemption Denial from SOLAS **Exhibit D**)

12. I was confused and shocked by the DOE's decision because I am a remote teacher working in an isolated, non-school building workspace, and I do not interact with students or staff as stated above. I was unable to reply to the email from DOE's SOLAS portal to inform them of their erroneous assumption that I provide in-person instruction in a school building.

13. On 9/20/21, I sent an email to United Federation of Teachers Union President Michael Mulgrew informing him of the wrongful denial because I was already a "Remote" teacher not subject to the Ordered mandate. Michael Sill, the United

Federation of Teachers ("UFT") Director of Personnel, responded to my email.

He stated that he would reach out to DOE about my situation of having the working conditions that will be given to exempted and accommodated individuals. Mr. Sill also advised me to appeal with mention of my current working conditions as a remote worker in a non-school building. (See Email from Mr. Sill as **Exhibit E**)

14. I was only given one (1) day to file an appeal which I did on 9/23/21, which I was directed to submit to the Scheinman Arbitration & Mediation Services.
15. On 9/24/21, I participated in the Arbitration hearing. I informed the Arbitrator that I was already a REMOTE worker not working in a DOE school building and that the Order should not apply to me. I also stressed that I follow the Bible health laws that prohibits me from taking anything that would alter my natural immune system. I shared that I follow all THE TEN LAWS of the Bible for health and that my religious medical practice protected me from all diseases and that I did not want to disobey God's health laws.
16. At the hearing, a DOE representative inquired about my affiliation with the Seventh Day Adventist Church and stated that the Seventh Day Adventist Church does not oppose the vaccine. I explained that it is my personal sincere religious belief in God's laws and the requirements of the Bible that I should

not take the vaccine, regardless of my affiliation with the Seventh Day Adventist Church. I repeated what I said at my opening statement given at the arbitration. The Supreme Court in the case *Welsh v. United States* 398 US 333 (1970) stated that a person's sincerely held belief does not have to be consistent with the beliefs of any religious organization.

17. Also, during the hearing, the UFT Representative Matt Kirwan confirmed my "remote work status" and acknowledged that Michael Sill from the UFT said he would speak with the DOE on my behalf about how I do not engage in in-person instruction and that my working conditions are the same as exempted and accommodated teachers.
18. On 10/3/21, I received via email the attached decision from the Arbitrator denying my request for an exemption despite all the evidence regarding my REMOTE work status and my sincere religious beliefs. The date on the letter was 9/25/21. (See **Exhibit F** regarding Arbitration Denial letter)
19. I later found out that the Arbitrator had entered an agreement between the DOE and our teachers' union the UFT stating that it would ONLY grant religious exemptions to members of the Christian Science faith and the Nation of Islam. (See Arbitration Award attached as **Exhibit G**)

20. On 10/4/21, I reached out to Mr. Sill and Mr. Kirwan explaining that I had not heard from them regarding their promised advocacy on my behalf.
21. Mr. Sill responded to my above line #20 via email in a dismissive way, stating that he was sorry that my appeal did not turn out the way I had hoped but that he could no longer help me and that my only recourse was the courts or vaccination.
22. On 10/5/21, I received an email from SOLAS stating that because the arbitrator denied my exemption that I was placed on a forced "Leave of Absence" without pay. There was no explanation about why I was denied. (See **Exhibit H**)
23. On 10/6/21, I submitted a new application to SOLAS explaining that I do not provide in-person instruction within a school building.
24. On 10/7/21, I received another email with SOLAS stating that my "Repeated Application previously reviewed and determined." The email did not address the fact that my original denial was based on incorrect information. (See **Exhibit I**)
25. On 10/18/21, as stated above, my Assistant Principal couldn't understand why I am not able to resume teaching remotely. He provided me with the attached letter, confirming my remote work status in a non-DOE building; not "pos[ing] a risk to the health and safety of the children because she does not work from

a school building. There is no discernible reason Miss Bryan would need to be vaccinated to perform her duties.." (See **Exhibit B**)

26. On 11/24/21, I emailed my Union (United Federation of Teachers) Chapter Leader Emmanuel Duruaku to file a grievance on the following: (See **Exhibit J**: Requesting Chapter Leader)

*The grounds on which this grievance is based: I have been placed on unpaid leave/ unpaid suspension unjustly by the DOE pursuant to its vaccination mandate under the Order that did not apply to me as a remote worker in a non-school building; with my sincerely held religious belief submitted for religious exemption. Also, I have been marked as unauthorized absence unjustly by the DOE.*

*Contractual article and section alleged to be violated: Article 21 Section E. Also, being marked as unauthorized absence is not an article defined in the contract.*

*Specific remedy sought: I seek that the DOE places me on paid leave/ paid suspension pending hearing or alternatively reinstatement me to my paid remote position in a non-school building and provide back pay for my current forced leave without pay status. Also, I seek that the DOE removes the "unauthorized absence" mark on my record.*

27. On 12/3/21, UFT Grievance Specialist Parniece Richardson assisted me with my Grievance form and submitted it to my principal for a Step 1 grievance meeting. Ms. Richardson along with UFT representative Michael Santos informed me that Step 1 of the grievance process is on the school level. They informed me of the following: (1) the principal does not have the authority to reinstate me to my remote Home Instruction position nor remove unauthorized absences; (2) Step 1 is procedural and you will be denied by the principal; (3) however, this Step 1 is necessary in order to move onto Step 2 in which they would advocate for me when moving forward to Step 2. (See **Exhibit K**)
28. On 12/3/21, pursuant to the Kane v. De Blasio and Keil v. NYC court orders, I was given the opportunity to re-appeal for a religious exemption to the Citywide Panel. I submitted my re-appeal on this day through DOE's SOLAS. (See **Exhibit L**)
29. On 12/8/21, I had my Step 1 meeting with principal Ramona Pizarro. She said that she wished that she could reinstate me and remove the unauthorized absences from my attendance but it is beyond her control and that I would have to move on to Step 2. After the meeting, I emailed Ms. Richardson and Mr. Santos providing details from the meeting and requesting for next steps to move on to Step 2 as they said would happen. (See refer back to **Exhibit K**)
30. Again, my request for the right to continue to work "remote" as my accommodation was still denied and I received the attached denial letter from my principal. (See **Exhibit M**)
31. At 3:20pm on 12/17/21, I received an auto-generated email from the director of the UFT Grievance/Arbitration Department David Campbell stating



"Following the review of your Step 1 grievance, the UFT Grievance Committee has concluded that your case cannot be successfully pursued to Step 2 of the grievance process. Should you wish to appeal this decision, please email Saul Zalkin, [szalkin@uft.org](mailto:szalkin@uft.org), within 10 days of receipt of this letter." This email did not provide reasons as to why I was denied my grievance from moving to Step 2. (See as **Exhibit N**)

32. However, at 3:50pm on 12/17/21, I received a conflicting email from Ms. Richardson stating, "We reviewed your case on Monday, 12/13/21. You will receive an email with the decision and next steps." (See **Exhibit O** email correspondence with Parniece Richardson.)
33. On 12/28/21, UFT grievance representative Saul Zalkin emailed me regarding appealing the grievance denial with advisement to call him. Within his email, he attached an explanation why my grievance was denied from moving to Step 2. (See **Exhibit Pa.** Mr. Zalkin's email and **Exhibit Pb** his explanation)
34. Despite NYCDOE utter failure to acknowledge my remote work status, on 1/7/22, I received an email from NYCDOE Division of Human Resources stating that "Your appeal of your religious exemption to the COVID-19 vaccine mandate has been submitted to the Citywide Appeal Panel" requesting more information from me about my religious beliefs that needed to be submitted by Friday, January 14, 2022 at 8:00 pm. Again, as usual I was given a short amount of time to respond when I had already provided no less than four times information about my religious beliefs.(See **Exhibit Qa** and **Exhibit Qb** for Q&A)

35. However, I received another conflicting notice on 1/10/22 from David Campbell stating that "Your appeal to the Grievance Department's decision not to proceed to Step 2, regarding the case noted above, has been carefully reviewed by this Department" and that I needed to once again file another appeal to receive the right to work remote when I was already granted the remote position and once again I was only given ten (10) days notice to respond.
36. As of 1/7/22, I am still awaiting the decision from the Citywide Appeal Panel regarding my Religious Exemption reappeal.
37. Because of this entire corrupt process of demanding me to prove my religious beliefs and the NYCDOE refusal to acknowledge that they hired me to work in "Remote Education", I have been stressed to the point of emotional breakdown. I cry everyday having to deal with being labeled a fake and a trouble maker in my workplace.
38. I am suffering from anxiety manifesting in lack of sleep, teeth grinding and shoulder pain from the stress of going back and forth with the NYCDOE for the last five months while they have completely ignored my remote status.
39. I am also angered by the fact that NYCDOE has placed me on leave without pay to punish me for not taking the vaccine.
40. All of these unnecessary demands on me to provide information over and over again has caused me to relive the pain of being put on leave without pay and to suffer the financial hardship of losing pay.
41. At no time has anyone from NYCDOE ever called me and met with me to learn about my remote work status so that they would know that my job did not need to be accommodated and did not need to go through this horrible 5-month process of seeking an accommodation when I did not need one. NYCDOE has refused to communicate with me and has forced all communication to go through an internet portal called SOLAS.

42. I am about to lose my house and my career that I have worked so hard to achieve all because the NYCDOE failed to just meet with me to learn the truth about my remote work status.

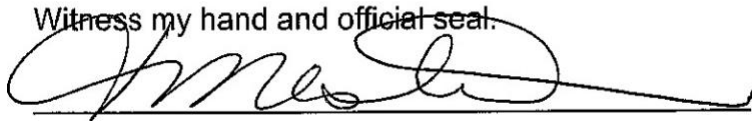
I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

Dated this 4 day of February, 2022.  
A. Bryan

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

Subscribed and sworn to (or affirmed) before me on this 4 day of Feb, 2022 by the person who has signed as A. Bryan, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Witness my hand and official seal.

 [Affix Notary Seal]

Signature of Notary Public

VIRGINIA MESTRE  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES FEBRUARY 24, 2024